

MINUTES**MONTANA HOUSE OF REPRESENTATIVES
65th LEGISLATURE - REGULAR SESSION****COMMITTEE ON JUDICIARY**

Call to Order: Chair Alan Doane, on March 31, 2017 at 8:00 AM, in Room 137 Capitol

ROLL CALL**Members Present:**

Rep. Alan Doane, Chair (R)
Rep. Seth Berglee, Vice Chair (R)
Rep. Virginia Court, Vice Chair (D)
Rep. Laurie Bishop (D)
Rep. Bob Brown (R)
Rep. Jennifer Eck (D)
Rep. Bill Harris (R)
Rep. Kathy Kelker (D)
Rep. Casey Knudsen (R)
Rep. Theresa Manzella (R)
Rep. Shane A. Morigeau (D)
Rep. Dale Mortensen (R)
Rep. Zac Perry (D)
Rep. Lola Sheldon-Galloway (R)
Rep. Barry Usher (R)
Rep. Kirk Wagoner (R)

Members Excused:

Rep. Ellie Hill Smith (D)
Rep. Nate McConnell (D)
Rep. Matt Regier (R)
Rep. Barry Usher (R)

Members Absent: None

Staff Present: Sara Fleming, Committee Secretary
Helen Thigpen, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 22, 3/24/2017; SB 153, 3/24/2017; SB 197, 3/24/2017
Executive Action: SB 29, SB 99, SB 30, SB 26, SB 117, SB 179, SJ 15, SB 268

HEARING ON SB 197**Opening Statement by Sponsor:**

00:01:19 Sen. Terry Gauthier (R), SD 40, opened the hearing on SB 197, Require child sexual abuse prevention efforts.

00:09:35 Rep. McConnell and Rep. Regier joined the meeting.

Proponents' Testimony:

00:12:25 Brian Kahn, Self

00:13:11 Rep. Usher joined the meeting.

00:14:57 Abigail St. Lawrence, Montana Association of Christians (MAC)

00:16:45 Greg Dorrington, Montana Medical Association (MMA)

00:17:39 Robin Turner, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

Opponents' Testimony: None**Informational Testimony:**

00:19:00 Greg Mohr, Self

Questions from Committee Members and Responses:

00:19:23 Rep. McConnell

00:20:00 Sen. Gauthier

00:21:53 Rep. Court

00:22:15 Sen. Gauthier

00:22:34 Rep. Bishop

00:23:21 Sen. Gauthier

00:27:00 Rep. Usher

00:27:08 Rep. Court left the meeting.

00:29:48 Chair Doane

00:30:01 Rep. Manzella

00:31:52 Sen. Gauthier

00:33:37 Rep. Usher

00:34:02 Sen. Gauthier

00:35:57 Rep. Harris

00:36:53 Sen. Gauthier

00:38:08 Rep. Bishop

00:39:08 Sen. Gauthier

00:39:22 Rep. Eck left the meeting.

00:40:52 Rep. B. Brown

00:41:28 Sen. Gauthier

00:42:57 Helen Thigpen, Legislative Services Division (LSD)

00:43:26 Rep. Sheldon-Galloway

00:44:16 Sen. Gauthier

Closing by Sponsor:

00:44:56 Sen. Gauthier

HEARING ON SB 22**Opening Statement by Sponsor:**

00:46:55 Sen. Sue Malek (D), SD 46, opened the hearing on SB 22, Revise laws re termination of parental rights when child is result of rape.

Proponents' Testimony:

00:49:58 Deb Matteucci, Montana Board of Crime Control (MBCC)
00:52:51 Brandi Ries, Ries Law Group
00:56:11 Shantelle Gaynor, Missoula Relationship Violence Services
00:58:19 Hannah Stark, Montana State University (MSU)
01:00:29 Jon Bennion, Department of Justice (DOJ)
01:01:02 Robin Turner, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:03:31 Rep. McConnell
01:03:48 Helen Thigpen, Legislative Services Division (LSD)
01:04:20 Rep. McConnell
01:04:43 Brandi Ries, Ries Law Group

Closing by Sponsor:

01:05:18 Sen. Malek

HEARING ON SB 153**Opening Statement by Sponsor:**

01:07:34 Sen. Margaret (Margie) MacDonald (D), SD 26, opened the hearing on SB 153, Revise laws on strangulation of a partner or family member.

Proponents' Testimony:

01:10:37 Juli Pierce, Yellowstone County
[EXHIBIT\(juh67a01\)](#)
01:18:35 Ole Olson, Department of Justice (DOJ)
[EXHIBIT\(juh67a02\)](#)
01:21:30 Hannah Stark, Montana State University (MSU)
01:24:28 Benjamin Halvorson, Billings
01:26:35 Marti Lambert, Gallatin County
01:27:54 Robin Turner, Montana Coalition Against Domestic and Sexual Violence (MCADSV)
[EXHIBIT\(juh67a03\)](#)
01:30:46 Shantelle Gaynor, Missoula Relationship Violence Services

01:35:18 Mark Murphy, Montana County Attorneys Association (MCAA) Montana Association of Chiefs of Police (MACOP), Montana Police Protective Association (MPPA)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:36:12 Rep. Manzella
01:36:48 Ole Olson, DOJ
01:39:19 Rep. Morigeau
01:39:41 Ole Olson, DOJ
01:40:07 Rep. Mortensen
01:40:40 Juli Pierce, Yellowstone County
01:41:42 Rep. Usher
01:42:42 Benjamin Halvorson, Billings
01:43:31 Rep. Usher
01:44:12 Sen. MacDonald
01:44:45 Rep. Usher
01:46:02 Ole Olson, DOJ
01:47:48 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)
01:49:02 Rep. Sheldon-Galloway
01:49:48 Ole Olson, DOJ
01:51:18 Rep. Bishop
01:52:05 Juli Pierce, Yellowstone County
01:54:19 Rep. Morigeau
01:54:23 Rep. Usher
01:54:54 Juli Pierce, Yellowstone County
01:55:16 Rep. McConnell
01:55:38 Juli Pierce, Yellowstone County

Closing by Sponsor:

01:57:34 Sen. MacDonald

02:00:07 Recess

02:13:40 Reconvene

HEARING ON SB 250

Opening Statement by Sponsor:

02:13:43 Sen. Nels Swandal (R), SD 30, opened the hearing on SB 250, Revise laws for prosecutorial immunity for Marsy's law.

Proponents' Testimony:

02:15:39 Mark Lambert, Self

02:18:00 Rich McLane, Bozeman Police Department, Montana Association of Chiefs of Police (MACOP)

02:21:15 Mark Murphy, Montana County Attorneys Association (MCAA), Montana Association of Chiefs of Police (MACOP), Montana Police Protective Association (MPPA)
02:23:36 Jon Bennion, Department of Justice (DOJ)
02:25:29 Dave Galt, Montana Sheriffs and Peace Officers Association (MSPOA)
02:25:45 Sara Sexe, Great Falls

EXHIBIT(juh67a04)

02:30:58 Adrienne Cotton, Department of Corrections (COR)

Opponents' Testimony: None

Informational Testimony:

02:32:14 Al Smith, Montana Trial Lawyers Association (MTLA)
02:35:48 Chuck Denowh, Marsy's Law For All

Questions from Committee Members and Responses:

02:36:23 Rep. McConnell
02:36:42 Sen. Swandal
02:37:32 Rep. C. Knudsen
02:37:51 Chuck Denowh, Marsy's Law For All
02:39:06 Chair Doane
02:39:31 Jon Bennion, DOJ
02:40:37 Rep. McConnell
02:41:08 Jon Bennion, DOJ
02:41:55 Rep. McConnell
02:42:25 Sen. Swandal
02:42:45 Rep. B. Brown
02:43:28 Sen. Swandal
02:44:57 Rep. C. Knudsen
02:46:17 Sen. Swandal
02:47:18 Rep. Usher
02:47:58 Sen. Swandal

Closing by Sponsor:

02:48:11 Sen. Swandal

Committee Business:

02:48:48 Rep. Kelker
02:48:55 Chair Doane

02:49:35 Recess
02:58:53 Reconvene

EXECUTIVE ACTION ON SB 29

Discussion:

02:59:57 Helen Thigpen, Legislative Services Division (LSD)

03:00:52 **Motion:** Rep. Berglee moved that **SB 29 BE CONCURRED IN.**

03:01:04 **Motion:** Rep. Wagoner moved that **SB 29 BE AMENDED.**
[EXHIBIT\(juh67a05\)](#)

Discussion:

03:01:22 Helen Thigpen, LSD

03:01:57 **Vote:** Motion carried unanimously by voice vote. Rep. Court, Rep. Eck, Rep. Hill Smith and Rep. Perry voted by proxy.

03:02:11 Rep. Eck joined the meeting

03:02:37 **Motion:** Rep. Berglee moved that **SB 29 BE CONCURRED IN AS AMENDED.**

Discussion:

03:02:48 Rep. Regier

03:03:27 **Vote:** Motion carried unanimously by voice vote. Rep. Court, Rep. Hill Smith and Rep. Perry voted by proxy. Rep. McConnell will carry the bill.

EXECUTIVE ACTION ON SB 99

Discussion:

03:04:12 Helen Thigpen, LSD

03:04:42 **Motion:** Rep. Berglee moved that **SB 99 BE CONCURRED IN.**

03:04:49 **Motion:** Rep. Berglee moved that **SB 99 BE AMENDED.**
[EXHIBIT\(juh67a06\)](#)

Discussion:

03:04:59 Helen Thigpen, LSD

03:06:09 Rep. Berglee

03:06:28 Rep. B. Brown

03:06:34 Rep. Berglee

03:07:01 **Vote:** Motion carried 11-8 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no. Rep. Court, Rep. Hill Smith and Rep. Perry voted by proxy.

03:07:37 Rep. Wagoner left the meeting

03:08:32 **Motion/Vote:** Rep. Berglee moved that **SB 99 BE CONCURRED IN AS AMENDED.** Motion carried 11-8 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no. Rep. Court, Rep. Hill Smith, Rep. Perry and Rep. Wagoner voted by proxy. Rep. Berglee will carry the bill.

EXECUTIVE ACTION ON SB 30

Discussion:

03:09:35 Helen Thigpen, LSD

03:09:55 **Motion:** Rep. Berglee moved that **SB 30 BE CONCURRED IN.**

Discussion:

03:11:27 Rep. C. Knudsen

03:11:57 Rep. McConnell

03:13:49 Rep. Usher

03:14:33 **Vote:** Motion carried unanimously by voice vote. Rep. Court, Rep. Hill Smith, Rep. Perry and Rep. Wagoner voted by proxy. Rep. Kelker will carry the bill.

EXECUTIVE ACTION ON SB 26

Discussion:

03:15:29 Helen Thigpen, LSD

03:16:04 **Motion:** Rep. Berglee moved that **SB 26 BE CONCURRED IN.**

Discussion:

03:16:13 Rep. Bishop

03:16:45 Rep. Morigeau left the meeting.

03:17:12 **Vote:** Motion carried unanimously by voice vote. Rep. Court, Rep. Hill Smith, Rep. Morigeau, Rep. Perry and Rep. Wagoner voted by proxy. Rep. Manzella will carry the bill.

EXECUTIVE ACTION ON SB 117

Discussion:

03:18:10 Helen Thigpen, LSD

03:18:39 **Motion:** Rep. Berglee moved that **SB 117 BE CONCURRED IN.**

Discussion:

03:18:50 Rep. B. Brown

03:19:25 Rep. Usher

03:19:31 Rep. Morigeau joined the meeting.

03:19:43 Helen Thigpen, LSD

03:20:01 Rep. Bishop

03:21:36 Rep. C. Knudsen

03:21:59 **Vote:** Motion carried 11-8 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no. Rep. Court, Rep. Hill Smith, Rep. Perry and Rep. Wagoner voted by proxy. Rep. Manzella will carry the bill.

EXECUTIVE ACTION ON SB 179

Discussion:

03:23:44 Helen Thigpen, LSD

03:24:02 **Motion:** Rep. Berglee moved that **SB 179 BE CONCURRED IN.**

Discussion:

03:24:11 Rep. McConnell

03:24:52 Chair Doane

03:24:54 Rep. McConnell

03:26:47 Rep. B. Brown

03:26:52 Rep. Usher

03:27:30 **Vote:** Motion failed 3-16 by roll call vote with Rep. Bishop, Rep. Eck and Rep. Morigeau voting aye. Rep. Court, Rep. Hill Smith, Rep. Perry and Rep. Wagoner voted by proxy.

03:28:46 **Substitute Motion:** Rep. Berglee moved that **SB 179 BE TABLED.** Motion was without objection.

Discussion:

03:28:50 Rep. Hill Smith joined the meeting.

03:28:57 Rep. McConnell

EXECUTIVE ACTION ON SJ 15

Discussion:

03:29:31 Helen Thigpen, LSD

03:29:58 **Motion:** Rep. Berglee moved that **SJ 15 BE CONCURRED IN.**

Discussion:

03:30:08 Rep. Morigeau

03:32:46 Rep. Manzella

03:33:35 Rep. Harris

03:34:02 Rep. Usher

03:35:20 Rep. Morigeau

03:36:05 **Vote:** Motion carried 11-8 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no. Rep. Court, Rep. Perry and Rep. Wagoner voted by proxy. Rep. Manzella will carry the bill.

EXECUTIVE ACTION ON SB 268**Discussion:**

03:37:10 Helen Thigpen, LSD

03:38:38 **Motion:** Rep. Berglee moved that **SB 268 BE CONCURRED IN.**

03:38:51 **Motion:** Rep. Berglee moved that **SB 268 BE AMENDED.**
EXHIBIT(juh67a07)

Discussion:

03:39:15 Rep. Kelker

03:39:48 Helen Thigpen, LSD

03:40:24 Rep. Manzella

03:40:39 Rep. McConnell

03:41:09 Chair Doane

03:41:14 Rep. McConnell

03:41:52 Rep. Eck

03:42:14 Rep. Bishop

03:43:08 Chair Doane

03:43:13 Rep. Bishop

03:43:24 Rep. Berglee

03:43:45 Rep. Harris

03:43:59 Helen Thigpen, LSD

03:45:48 Rep. Harris

03:46:37 **Vote:** Motion carried 17-2 by roll call vote with Rep. Harris and Rep. Sheldon-Galloway voting no. Rep. Court, Rep. Wagoner and Rep. Perry voted by proxy.

03:47:34 **Motion:** Rep. Berglee moved that **SB 268 BE CONCURRED IN AS AMENDED.**

Discussion:

03:47:42 Rep. Eck

03:48:16 Rep. C. Knudsen

03:48:51 Rep. McConnell

03:49:14 **Vote:** Motion carried 15-4 by roll call vote with Rep. Eck, Rep. Harris, Rep. McConnell and Rep. Sheldon-Galloway voting no. Rep. Court, Rep. Perry and Rep. Wagoner voted by proxy. Rep. Wagoner will carry the bill.

ADJOURNMENT

Adjournment: 03:50:51

Sara Fleming, Secretary

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Additional Documents:

EXHIBIT([juh67aad.pdf](#))